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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,058	11/17/2003	Tobin Allen King	ZG172US	9926

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

CRENSHAW, MARVIN P

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,058

Applicant(s)

KING ET AL.

Examiner

Marvin P. Crenshaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 07/08/2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 - 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3 - 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. 09/436,508.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujishiro (JP407315590A).

Fujishiro a cartridge for insertion into a digital printing device, said cartridge including a casing having a first portion for receiving and completely enclosing a supply of cut sheet print media (Fig. 1, 11), a print media exit opening (14) arranged in said first portion of the casing and a pickup roller(Fig. 3) assembly including, a drive shaft (Fig. 3), one or more pick up rollers (22) disposed on the drive shaft for rotation therewith, said drive shaft and one or more rollers being captively supported within said first portion of the casing, and a drive gear (13) for rotating the drive shaft the pickup roller being configured, in use, to pick up and drive a sheet of said print media through said exit opening (12a) wherein said pickup roller assembly is enclosed by the first portion of the casing with the exception of the drive gear, said drive gear protruding from said casing such that said drive gear can be engaged by a complementary gear of a printer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujishiro et al. in view of McIntyre et al.

Fujishiro et al. teaches all that is claimed as discussed in the above rejection of claim 1, except the cartridge having a second portion for housing a supply of ink.

With respect to claims 3, 6, 7, 8 and 10, McIntyre et al. teaches a cartridge wherein the casing further includes a second portion for housing a supply of ink (38), a cartridge wherein the second portion of the casing is segregated into a plurality of distinct chambers for storing a plurality of different inks (Fig. 2), a cartridge wherein each of said ink storage chambers has a corresponding ink outlet, that prior to the cartridge first use, is closed by a pierceable seal (See Col. 4, lines 18 – 20), a cartridge wherein each ink outlet is in the form of a nozzle (Fig. 2) adapted to connect with a corresponding ink connection (Fig. 8, 62) means provided on the printing device with which the cartridge is to be used and a cartridge wherein the casing includes a first print media storage molding (Fig. 2), a second ink storage molding (Fig. 2) and an intermediate molding (Fig. 2) that serves to complete and enclose said print media and ink storage moldings, whilst simultaneously interconnecting the two.

It would have been obvious to modify Fujishiro et al. to have a the cartridge having a second portion for housing a supply of ink as taught by McIntyre et al. Since

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McIntyre et al. teaches that combining media and ink in a single cartridge is desirable for creating a compact device having improved versatility.

With respect to claim 4, Fujishiro et al. teaches a cartridge wherein a drive gear (13) extends at least partially outside the casing and is configured to engage a corresponding powered gear provided in the printing device with which the cartridge is to be used (Fig. 1).

With respect to claim 5, Fujishiro et al. teaches a cartridge wherein the drive gear (13) is configured to engage a powered provided on the printing device by means of an aperture (12a) provided in said casing.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujishiro et al. in view of McIntyre et al. and further in view of Fong et al.

With respect to claim 9, Fujishiro et al. and McIntyre et al. together teach all that is claimed except a cartridge wherein the ink storage portion is defined at least in part by a collapsible membrane.

Fong et al. teaches a cartridge (Fig. 1) wherein the ink storage portion is defined at least in part by a collapsible membrane (15).

It would have been obvious to further modify Fujishiro et al. to have a cartridge wherein the ink storage portion is defined at least in part by a collapsible membrane as taught by Fong et al. so as to provide an efficient means for replenishing the ink in the cartridge.

Response to Arguments

. Applicant's arguments with respect to claims 1 and 3 – 10 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, Fujishiro et al. has been added to teach a cartridge having a media storage and a pickup roller enclosed in the cartridge. Also, McIntyre et al. teaches the claimed language of have a second portion for storing ink. Also, Fong et al has been added to teach a collapsible membrane.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC

September 13, 2005



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